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Paper 38
Entered: 23 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,407 RT
Technology Center 2800

GILBARCO INC.,

Patents 6,422,464 and 6,098,879,
Junior Party,

v.

IPXL HOLDINGS, LLC,

Applications 09/922,935 and 10/623,656,
Senior Party.

Before: FRED E. McKELVEY, *Senior Administrative Patent Judge*, and
RICHARD TORCZON and JAMES T. MOORE, *Administrative Patent
Judges*.

McKELVEY, *Senior Administrative Patent Judge*.

JUDGMENT

Upon consideration of GILBARCO CONCESSION OF PRIORITY
(Paper 28) and the MEMORANDUM OPINION and ORDER (Paper 37),
entered concurrently herewith, it is

1 ORDERED that judgment on priority as to Count 1 (the sole
2 count in the interference; Paper 35, page 3) is awarded against Junior Party
3 Gilbarco Inc. (inventor: Steven N. Terranova).

4 FURTHER ORDERED that Junior Party Gilbarco Inc.
5 (inventor: Steven N. Terranova) is not entitled to a patent containing claims
6 1-9, 18-25, and 27 (corresponding to Count 1) of:

7 U.S. Patent 6,098,879
8 issued 8 August 2000
9

10 FURTHER ORDERED that Junior Party Gilbarco Inc.
11 (inventor: Steven N. Terranova) is not entitled to a patent containing claims
12 1-33 (corresponding to Count 1) of:

13 U.S. Patent 6,422,464
14 issued 23 July 2002
15

16 FURTHER ORDERED that if there is an additional settlement
17 agreement, attention is directed to 35 U.S.C. § 135(c).

18 FURTHER ORDERED that a copy of this JUDGMENT shall
19 be placed in the files of (1) U.S. Patent 6,098,879, (2) U.S. Patent 6,422,464
20 (3) application 09/922,935 and (4) application 10/623,656.

21 FURTHER ORDERED that the Clerk is directed to distribute
22 the files upon entry of this JUDGMENT.

1 cc: (via electronic mail):

2 Steven N. Terranova

3 John R. Witcher

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5 Cary, NC

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Attachments: 105407.038.pdf

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